

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

YARON KWELLER,

Plaintiff,

- against -

NOTICE OF MOTION

Case No. 3:24-cv-01328-ECC-ML

THE COUNTY OF BROOME, THE CITY OF
BINGHAMTON, THE BROOME COUNTY DISTRICT
ATTORNEY'S OFFICE, DISTRICT ATTORNEY
MICHAEL A. KORCHAK, CHIEF ASSISTANT
DISTRICT ATTORNEY MARK LOUGHRAN,
ASSISTANT DISTRICT ATTORNEY ALYSSA
CONGDON, ASSISTANT DISTRICT ATTORNEY
AMANDA CRONIN, DISTRICT ATTORNEY
INVESTIGATOR JEFF J. WAGNER, BINGHAMTON
POLICE DEPARTMENT CHIEF JOSEPH ZIKUSKI,
BINGHAMTON POLICE DEPARTMENT CAPTAIN
CORY MINOR, BINGHAMTON POLICE DEPARTMENT
INVESTIGATOR AMANDA MILLER, all in their
individual capacities, and JOHN DOES 1-10, representing
Broome County District Attorney's Office and Police
Department Employees Whose Names Are Currently
Unknown, HAILEY DEMKOVICH, and SAMANTHA
HERCEG,

Defendants.

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and all prior pleadings and proceedings had herein, Defendants the County of Broome and the Broome County District Attorney's Office (collectively "County Defendants"), by and through their undersigned attorneys, The Wladis Law Firm, P.C., hereby move this Court before the Honorable Elizabeth C. Coombe at the United States Courthouse and Federal Building, 100 S. Clinton Street, Syracuse, New York, for an Order, pursuant to Fed. R. Civ. Pro. 12(b)(6), dismissing Plaintiff's Complaint in this action in its entirety and with prejudice, and for such other and further relief as the Court shall deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. Pro. 12(a)(1)(C), and Northern District of New York Local Rule 7.1(a), unless otherwise ordered by the Court, Plaintiff must file and serve its opposition papers no more than twenty-one (21) days after service of the motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Northern District of New York Local Rule 7.1(a), Defendants' reply, if any, shall be filed and served at least seven (7) days after service of Plaintiff's opposition papers, unless otherwise agreed upon and/or directed by the Court.

DATED: January 24, 2025

Respectfully submitted,

The Wladis Law Firm, P.C.

s/Christopher J. Baiamonte

Christopher J. Baiamonte, Esq. (702528)

s/Timothy J. Lambrecht

Timothy J. Lambrecht (510390)

Attorneys for Defendants

The County of Broome and

The Broome County District Attorney's Office

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TO: All Counsel of Record via CM/ECF

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2025, I caused the foregoing document to be filed electronically with the Clerk of the District Court, Northern District of New York, using the CM/ECF system, which sent automatic and contemporaneous notification of such filing to all counsel who have made an appearance in this action.

s/Christopher J. Baiamonte
(Bar Roll No. 702528)